

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Aurelio Dominguez-Garduno

Case: 2:16-mj-30415
 Judge: Unassigned,
 Filed: 09-08-2016 At 11:39 AM
 CMP USA V. Aurelio Dominguez-Gardun
 o (LH)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 22, 2016 in the county of Washtenaw in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

Title 8 U.S.C. Section 1326(a)

Offense Description

Unlawful Re-entry After Deportation

This criminal complaint is based on these facts:

On or about August 22, 2016, at or near Ann Arbor, Michigan, in the Eastern District of Michigan, Southern Division, Aurelio Dominguez-Garduno, an alien from Mexico was found in the United States after having been denied admission, excluded, deported, and removed there from on or about August 29, 2012, at or near Calexico, California and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

☐ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date:

9/8/16City and state: Detroit, Michigan

Joanne Belog
Complainant's signature
 Joanne Belog, Deportation Officer
Printed name and title

[Signature]
Judge's signature
David R. Grand, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

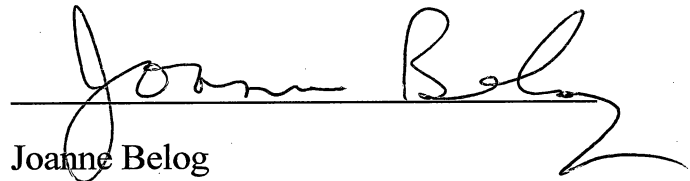
I, Joanne Belog, declare the following under penalty of perjury:

1. I am a Deportation Officer employed with Immigration and Customs Enforcement (ICE) of the United States Department of Homeland Security. I am assigned to the Criminal Alien Program located at 333 Mount Elliott, Detroit, MI 48207. I have served with U.S. Immigration and Customs Enforcement since August 2007, prior to that I served with U.S. Customs and Border Protection for 4 years. I have successfully completed the Immigration & Customs Enforcement Deportation Integrated training at the Federal Law Enforcement Training Center in Glynco, Georgia.
2. The information set forth below is for the limited purpose of establishing probable cause. Therefore, this affidavit does not necessarily contain all of the information collected during my investigation.
3. On March 10, 2006, ICE Special Agents issued a Notice to Appear (Form I-862) to Aurelio Dominguez-Garduno at Provo, Utah. Dominguez-Garduno was offered and accepted a stipulated removal and accepted. On March 27, 2006, Dominguez-Garduno was ordered removed from the United States by an Immigration Judge Salt Lake City, Utah. On March 30, 2006, Dominguez-Garduno was removed from the United States to Mexico via El Paso, Texas.
4. At an unknown date and unknown place, Dominguez-Garduno re-entered the United States without presenting himself for inspection at a designated port of entry. On October 22, 2009, ICE Agents served Dominguez-Garduno with Form I-871 (Decision to Reinstate Prior Order) at Detroit, Michigan. On November 10, 2009, Dominguez-Garduno was removed from the United States to Mexico via Laredo, Texas.
5. At an unknown date and unknown place, Dominguez-Garduno re-entered the United States without presenting himself for inspection at a designated port of entry. On June 28, 2012, ICE Agents served Dominguez-Garduno with Form I-871 (Decision to Reinstate Prior

Order) at Detroit, Michigan. On July 10, 2012, Dominguez-Garduno was removed from the United States to Mexico via Laredo, Texas.

6. At an unknown date and unknown place, Dominguez-Garduno re-entered the United States without presenting himself for inspection at a designated port of entry. On July 18, 2012, Border Patrol Agents served Dominguez-Garduno with Form I-871 (Decision to Reinstate Prior Order) at Tucson, Arizona. On July 20, 2012, Dominguez-Garduno was removed from the United States to Mexico via Del Rio, Texas.
7. At an unknown date and unknown place, Dominguez-Garduno re-entered the United States without presenting himself for inspection at a designated port of entry. On July 30, 2012, Border Patrol Agents served Dominguez-Garduno with Form I-871 (Decision to Reinstate Prior Order) at Tucson, Arizona.
8. On July 31, 2012, Dominguez-Garduno was convicted in the United States District Court District of Arizona for the offense of Illegal Entry 8 United States Code 1325(a)(1), and was sentenced to serve 30 days incarceration, with credit for time already served.
9. On August 29, 2012, upon completion of serving time for the offense of Illegal Entry, Dominguez-Garduno was removed from the United States to Mexico via Calexico, California.
10. At an unknown date and unknown place, Dominguez-Garduno re-entered the United States without presenting himself for inspection at a designated port of entry. On August 22, 2016, Dominguez-Garduno was arrested by the Washtenaw County Sheriff's Department for assault excluding sexual in Lodi Township, Michigan.
11. On August 22, 2016, Dominguez-Garduno's fingerprints were submitted during the standard booking process at the Washtenaw County Sheriff's Department in Ann Arbor, Michigan which revealed a positive biometric match with the Department of Homeland Security's USVISIT/IDENT automated system for a previously encountered alien from Mexico. On August 23, 2016, an immigration detainer (I-247X) was lodged for Dominguez-Garduno.

12. On August 23, 2016, the assault excluding sexual charge against Dominguez-Garduno was dropped in the 14A-1 District Court in Ann Arbor, Michigan.
13. On August 23, 2016, Dominguez-Garduno was arrested by ICE and transported to the Dearborn Jail in Dearborn, Michigan for housing. On August 24, 2016, Dominguez-Garduno was transported to the Detroit Field Office for processing. During the processing of Dominguez-Garduno, a fingerprint analysis was completed, which revealed a match to FIN# 18518580. This identification number is a match to that of Aurelio Dominguez-Garduno, A# 097 375 886, a previously deported alien.
14. On August 24, 2016, Immigration and Customs Enforcement Agents served Dominguez-Garduno with Form I-871 (Decision to Reinstate Prior Order) at Detroit, Michigan.
15. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
16. On August 31, 2016, affiant reviewed the Alien Registration file, and conducted system checks. There is no evidence to indicate Aurelio Dominguez-Garduno has applied for or received permission from the Attorney General or the Secretary of Homeland Security to reapply for admission to the United States.
17. Based on the above information, probable cause exists to believe that Aurelio Dominguez-Garduno has illegally reentered the United States after deportation in violation of 8 USC 1326(a) and was found in the United States on August 22, 2016, at Ann Arbor, Michigan.



Joanne Belog
Deportation Officer
Enforcement and Removal Operations
Immigration and Customs Enforcement
333 Mount Elliott
Detroit, MI 48207

Sworn to before me and subscribed in my presence this _____ day
of 9th Sep., 2016.



United States Magistrate Judge

David R. Grand

9/8/16

Date